

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 18-CV-03137-MDH
)	
DONOVAN BOOKOUT,)	
)	
Defendant.)	

ORDER

Before the Court is the Government’s Motion for Conditional Release. (Doc. 19). Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the government’s motion was referred to the United States Magistrate Judge for preliminary review under 28 U.S.C. § 636(b).

The Magistrate Judge submitted a report and recommendation to the undersigned wherein he found by a preponderance of the evidence that Defendant has recovered from his mental disease or defect to such an extent that his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another and recommended the Motion for Conditional Release be granted subject to the condition enumerated by the warden. (Doc. 23). Defendant agreed to waive the statutory 14 day waiting period in which to file exceptions. Therefore, the matter is ripe for review. After a review of the record before the Court, including the Risk Assessment Report (Doc. 19-1), the Court agrees with the Report and Recommendation issued by the Magistrate Judge and in accordance with such:

IT IS HEREBY ORDERED that the report and recommendation (Doc. 23) of the United States Magistrate Judge is **ADOPTED** and that the government's Motion for Conditional Release (Doc. 19) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant be, and is hereby, conditionally released pursuant to Title 18 U.S.C. § 4246(e) under the following conditions:

1. Defendant shall reside at Diersen Charities located at 2331 Menaul Blvd., Albuquerque, NM 87107. He shall remain at said residence at the direction of the U.S. Probation Officer for up to one year. Any change from this residence shall be approved by the U.S. Probation Office in advance.
2. Defendant shall be supervised by U.S. Probation and follow all instructions given by the supervising Probation Officer.
3. Defendant shall actively participate in, and cooperate with, a regimen of mental health care and psychiatric aftercare as directed by the U.S. Probation Officer and administered by the treating mental health provider. This is to include his voluntary admission to an inpatient facility for stabilization should it be deemed necessary. He shall follow all the rules, regulations and instructions of the treatment staff and comply with the treatment regimen recommended.
4. Defendant shall continue to take such medication, including injectable units, as shall be prescribed for him by the medical provider.
5. Defendant shall waive his rights to confidentiality regarding his mental health treatment in order to allow sharing of information with the supervising U.S. Probation Officer and other mental health treatment providers, who will assist in evaluating his ongoing appropriateness for community placement.

6. Defendant shall refrain from the use of alcohol and illegal drug usage, as well as the abuse of over-the-counter medications, and submit to random urinalysis testing as warranted by treating mental health staff and/or the probation officer. This also includes participating in substance abuse treatment as deemed necessary.
7. Defendant shall not have in his possession at any time actual or imitation firearms or other deadly weapons and he may not write, say or communicate threats. He shall submit to a warrantless search on request of his U.S. Probation Officer or any law enforcement officer of his person or property for the purpose of determining compliance with this provision and shall permit confiscation of any such contraband.
8. Annual reports shall be written by the U.S. Probation Office regarding the status of Mr. Bookout's conditional release. The report should be submitted to the Legal Department at USMCFP Springfield, Missouri, for filing with the court.

IT IS SO ORDERED.

DATED: December 13, 2019

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE